

PATENT

REMARKS

In the Office Action, claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,456,708 to *Doan et al.* in view of U.S. Patent No. 5,522,872 to *Hoff*.

Without addressing the merits of the rejection of the pending claims, in accordance with the American Inventors Protection Act, the *Doan et al.* reference does not qualify as prior art for a rejection under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) because the present application has been filed on or after November 29, 2000 and the subject matter of the *Doan et al.* reference and the pending claims were, at the time the invention was made, subject to an obligation of assignment to the same organization (see section entitled "Obligation of Assignment to the Same Organization"). Accordingly, the *Doan et al.* reference no longer qualifies as prior art under 35 USC §103(a) via 35 USC §102(e).

Furthermore, it is apparently conceded that the Hoff reference does not disclose all the elements recited in each of the pending claims. For this reason, it appears the Examiner has introduced the Doan et al. reference. Because the Doan et al. reference no longer qualifies as prior art and the Hoff reference does not disclose all the elements recited in each of the pending claims, it is respectfully submitted that claims 1-21 are in condition for allowance.

Obligation of Assignment to the Same Organization

Ronald Tamura, an attorney of record for the present application, states that Application Serial Number 10/718,216 and U.S. Patent Number 5,456,708 were, at the time the invention of Application Serial Number 10/718,216 was made, owned by Pacesetter, Inc. or subject to an obligation of assignment to Pacesetter, Inc.

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CONCLUSION

In light of the above remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date

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